



H.R. 4127 — Intelligence Authorization Act for Fiscal Year 2016 (Rep. Nunes, R-CA)

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FLOOR SCHEDULE:

Scheduled for consideration on December 1, 2015 under suspension of the Rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 4127](#) would authorize funding for the U.S. intelligence community for Fiscal Year (FY) 2016, including for the intelligence activities of the Central Intelligence Agency (CIA), the Office of the Director of National Intelligence (ODNI), the National Security Agency (NSA), the National Geospatial Intelligence Agency (NGA), and the National Reconnaissance Office (NRO) among others.

COST:

No Congressional Budget Office (CBO) estimate is available. Rule 28(a)(1) of the Rules of the House Republican Conference prohibits a measure being considered under suspension of the Rules without a cost estimate available for the bill. This requirement may be waived by a majority of the elected leadership.

CONSERVATIVE CONCERNS:

There are no substantive concerns regarding this bill.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

As is standard, the details of this legislation are largely contained in a classified annex. Members interested in viewing this annex should contact the House Permanent Select Committee on Intelligence. The RSC's Legislative Bulletin for the House-passed Intelligence Authorization Act for Fiscal Year 2016 (H.R. 2596) can be found [here](#).

A title-by-title summary of the non-classified portions of the bill follows below:

Title I:

- Title I of the bill would authorize funding for the following intelligence and intelligence-related entities: (1) the Office of the Director of National Intelligence, (2) the Central Intelligence Agency, (3) the Department of Defense, (4) the Defense Intelligence Agency, (5) the National Security

Agency, (6) the Department of the Army, the Department of the Navy, and the Department of the Air Force, (7) the Coast Guard, (8) the Department of State, (9) the Department of the Treasury, (10) the Department of Energy, (11) the Department of Justice, (12) the Federal Bureau of Investigation, (13) the Drug Enforcement Administration, (14) the National Reconnaissance Office, (15) the National Geospatial Intelligence Agency, and (16) the Department of Homeland Security.

- Title I would also provide that the details of the authorized amounts for intelligence and intelligence-related activities and the applicable personnel levels by program contained in the classified Schedule of Authorizations made available to Congress and to the president. The Director of National Intelligence would be authorized to employ civilian personnel in excess of the number authorized if the director determines that such action is necessary to the performance of important intelligence functions. However, the number of personnel employed in excess of the authorized number may not exceed three percent of the total number of authorized civilian personnel.
- Section 104 of Title I would authorize \$516,306,000 for the Intelligence Community Management Account of the Director of National Intelligence for FY2016. The bill would also authorize 785 positions within the Intelligence Community Management Account of the Director of National Intelligence as of September 30, 2016.
- Section 105 of Title I would make technical and conforming corrections as well as a clarification regarding authority for flexible personnel management in the intelligence community.

Title II:

- Title II would authorize \$514,000,000 for the Central Intelligence Agency Retirement and Disability Fund for FY 2016.

Title III:

- Title III would authorize appropriations for salary, pay, retirement, and other benefits for federal employees to be increased if authorized in law.
- Section 302 would clarify that the bill's authorizations would not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States. Section 305 would amend the [Intelligence Reform and Terrorism Prevention Act of 2004](#) to clarify that nothing in the statute authorizing the Privacy and Civil Liberties Oversight Board should be construed to allow that board to gain access to information the executive branch deems to be related to covert action. Also, section 307 would require the Director of National Intelligence to notify Congress if an electronic communication service provider that generates call detail records in the ordinary course of business has changed the policy on the retention of such call detail records to result in a retention period of less than 18 months.
- Section 306 would require the Director of National Intelligence to direct each agency to implement enhanced personnel security programs. Section 308 would direct the Director of National Intelligence to issue a directive containing a written policy for the timely notification to Congress of the identities of individuals occupying senior level positions within the intelligence community.
- Section 309 would require the Director of National Intelligence to designate an official to manage the collection and analysis of intelligence regarding the tactical use of tunnels by state and non-state actors.

- Section 312 would require the Director of National Intelligence to develop a strategy to ensure that there is a comprehensive interagency review of policies for planning and acquiring national security satellite systems and architectures.

Title IV:

- Title IV would establish a National Counterintelligence Executive appointed by the President, by and with the advice and consent of the Senate.
- Section 403 would require the Director of National Intelligence to assign the Chief of the Analytic Integrity and Standards Group to conduct a review of finished intelligence products produced by the Central Intelligence Agency to assess whether the reorganization of the agency, announced publicly on March 6, 2015, has resulted in any loss of analytic objectivity.
- Section 412 would require congressional notification before transferring funds from the Joint Improvised Explosive Device Defeat Fund or the Counterterrorism Partnerships Fund to be used for intelligence activities.

Title V:

- Section 501 would require the Director of National Intelligence to submit to Congress written notice if the intelligence community receives intelligence that the Russian Federation has deployed, or is about to deploy, the [Club-K container missile system](#) through the Russian military; or transferred or sold, or intends to transfer or sell, the Club-K container missile system to another state or non-state actor. Sections 502 and 503 would require the Director of National Intelligence to submit to Congress intelligence community assessments on the funding of political parties and nongovernmental organizations in former Soviet states and countries in Europe by the Russian Security Services since January 1, 2006, and on the use of political assassinations as a form of statecraft by the Russian Federation since January 1, 2000.
- Section 511 would require the Director of National Intelligence to submit to Congress an intelligence community assessment on the resources used for collection efforts and the collection posture of the intelligence community with regard to the South China Sea and East China Sea.
- Sections 512 and 513 would mandate that the Secretary of State ensure that each key supervisory position at a United States diplomatic facility in Cuba is occupied by a citizen of the United States, and ensure that each United States diplomatic facility in Cuba is constructed or undergoes a construction upgrade includes a sensitive compartmented information facility.
- Section 514 would require the Director of National Intelligence to submit to Congress a report assessing the monetary value of any direct or indirect forms of sanctions relief that Iran has received since the [Joint Plan of Action](#) first entered into effect.

Title VI:

- Sections 601 and 602 would prohibit funds from being used to transfer or release individuals detained at Guantanamo Bay and from being to construct or modify facilities in the United States to house detainees transferred from Guantanamo Bay. The prohibition would not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba. Section 603 would clarify that no amounts authorized to be appropriated or otherwise made available to an element of the Intelligence Community may be used to transfer or release an individual detained at Guantanamo Bay to Libya, Somalia, Syria, or Yemen.

Title VII:

- Title VII would repeal certain reporting requirements, but would require additional reports: on foreign fighter flows to and from Syria and to and from Iraq; on strategy, efforts, and resources to detect, deter, and degrade Islamic State revenue mechanisms; on United States counterterrorism strategy to disrupt, dismantle, and defeat the Islamic State, al-Qaeda, and their affiliated groups, and adherents; on the effects of the Office of Personnel Management data breach; and on the hiring of Cyber Corps Scholarship Program graduates by the intelligence community.

COMMITTEE ACTION:

H.R. 4127 was introduced on November 30, 2015 and was referred to the House Permanent Select Committee on Intelligence.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: “the intelligence and intelligence-related activities of the United States government including those under Title 50 1978, as amended, are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States. Congress has the power to enact this legislation pursuant to the following: Article I, section 8 of the Constitution of the United States provides, in pertinent part, that “Congress shall have power ... to pay the debts and provide for the common defense and general welfare of the United States”; “... to raise and support armies...”; and “To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof.”

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